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10/693,540	10/24/2003	Dany Sylvain	7000-271	2301
27820	7590	03/05/2008	EXAMINER	
WITHROW & TERRANOVA, P.L.L.C.			PHUONG, DAI	
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SUITE 160			ART UNIT	PAPER NUMBER
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			03/05/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/693,540	SYLVAIN, DANY	
Examiner	Art Unit		
DAI A. PHUONG	2617		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 February 2007.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4 and 6-32 is/are rejected.

7)  Claim(s) 5 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's arguments filed 12/10/2007 have been fully considered but they are not persuasive. Claims 1-32 are currently pending.

The affidavit filed on December 10, 2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the Bushnell reference.

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Bushnell reference to either a constructive reduction to practice or an actual reduction to practice. The Examiner also notes that the entire period during which diligence is required must be accounted for by either affirmative acts or acceptable excuses. A 2-day period lacking activity has been held to be fatal. *In re Mulder*, 716 F.2d 1542, 1545, 219 USPQ 189, 193 (Fed. Cir. 1983) (37 CFR 1.131 issue); *Fitzgerald v. Arbib*, 268 F.2d 763, 766, 122 USPQ 530, 532 (CCPA 1959).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 6-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell et al. (U.S. 7058415) in view of Abidi et al. (U.S. 6154650) and further in view of Ostling (U.S. 6327470).

Regarding claim 1, Bushnell et al. disclose a method for transitioning a call with a dual mode mobile terminal from a wireline network to a wireless network, wherein the mobile terminal is provided with a primary directory number associated with the wireline network, the method comprising:

- a) receiving a request for a shadow directory number, which has been assigned to the telephone station by the wireless network (col. 5, lines 15-55);
- b) accessing the shadow directory number (col. 5, lines 15-55); and
- c) providing the shadow directory number to allow a wireless connection to be established with the telephone station via the wireless network (col. 5, lines 15-55).

However, Bushnell et al. do not disclose a temporary directory number and providing the temporary directory number during the call to allow a wireless connection to be established with the telephone station via the wireless network.

In the same field of endeavor, Abidi et al. disclose a temporary directory number which has been assigned to the mobile station by the network (col. 1, line 62 to col. 2, line 11 and col. 3, line 63 to col. 4, line 39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system for providing cellular and wireline service to a dual mobile handset of Bushnell et al. by specifically disclose a temporary directory number which has been assigned to the mobile station by the network, as taught by Abidi et al., the motivation being in order to void to remember to register or forward calls and saves air time charges when near a wireline cordless base station. The service provider does not waste or tie up expensive resources locating a customer.

In the same field of endeavor, Ostling discloses providing the calling number during the call to allow a wireless connection to be established with the telephone station via the wireless network (col. 3, line 66 to col. 4, line 49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system for providing cellular and wireline service to a dual mobile handset of Bushnell et al. by specifically including providing the calling number during the call to allow a wireless connection to be established with the telephone station via the wireless network, as taught by Ostling, the motivation being in order to transfer a call between a mobile network and a fixed network, and specifically to performing a handover between the fixed network and a mobile network during a call placed to or from a dual mode phone, without any interruption in the voice or data connection.

Regarding claim 2, the combination of Bushnell et al., Abidi et al. and Ostling disclose all the limitation in claim 1. Further, Bushnell et al. disclose the method wherein an initial connection for the call is established through the wireline network via a terminal adaptor (col. 3, line 39 to col. 7, line 20).

Regarding claim 3, the combination of Bushnell et al., Abidi et al. and Ostling disclose all the limitation in claim 2. Further, Bushnell et al. disclose the method wherein the request is received from the terminal adaptor and the temporary directory number is provided to the terminal adaptor (col. 3, line 39 to col. 7, line 20).

Regarding claim 4, the combination of Bushnell et al., Abidi et al. and Ostling disclose all the limitation in claim 3. Further, Bushnell et al. disclose the method wherein the terminal

adaptor initiates establishment of the wireless connection and transfer of the call from a wireline connection to the wireless connection (col. 3, line 39 to col. 7, line 20).

Regarding claim 6, the combination of Bushnell et al., Abidi et al. and Ostling disclose all the limitation in claim 1. Further, Abidi et al. disclose the method wherein the temporary directory number is accessed from the wireless network (col. 1, line 62 to col. 2, line 11 and col. 3, line 63 to col. 4, line 39).

Regarding claim 7, the combination of Bushnell et al., Abidi et al. and Ostling disclose all the limitation in claim 6. Further, Abidi et al. disclose the method wherein the temporary directory number is accessed via a home location register associated with the wireline network (col. 1, line 62 to col. 2, line 11 and col. 3, line 63 to col. 4, line 39).

Regarding claim 8, the combination of Bushnell et al., Abidi et al. and Ostling disclose all the limitation in claim 7. Further, Abidi et al. disclose the method wherein the home location register accesses the temporary directory number from a visiting location register associated with the wireless network (col. 1, line 62 to col. 2, line 11 and col. 3, line 63 to col. 4, line 39).

Regarding claim 9, the combination of Bushnell et al., Abidi et al. and Ostling disclose all the limitation in claim 9. Further, Abidi et al. disclose the method wherein the visiting location register accesses the temporary directory number from a wireless switch, which facilitates the wireless connection with the mobile terminal (col. 1, line 62 to col. 2, line 11 and col. 3, line 63 to col. 4, line 39).

Regarding claim 10, the combination of Bushnell et al., Abidi et al. and Ostling disclose all the limitation in claim 2. Further, Bushnell et al. disclose the method wherein the mobile

terminal registers with the wireless network while being served by the wireline network (col. 3, line 39 to col. 7, line 20).

Regarding claim 11, the combination of Bushnell et al., Abidi et al. and Ostling disclose all the limitation in claim 10. Further, Bushnell et al. disclose the method wherein the mobile terminal registers with the wireless network while a connection is established via the wireline network (col. 3, line 39 to col. 7, line 20).

Regarding claim 12, the combination of Bushnell et al., Abidi et al. and Ostling disclose all the limitation in claim 10. Further, Bushnell et al. disclose the method wherein the mobile terminal registers with the wireless network prior to a connection being established via the wireline network (col. 3, line 39 to col. 7, line 20).

Regarding claim 13, the combination of Bushnell et al., Abidi et al. and Ostling disclose all the limitation in claim 10. Further, Ostling disclose the method wherein the mobile terminal registers with the wireless network prior to transitioning to the wireless connection (col. 3, line 66 to col. 4, line 49).

Regarding claim 14, the combination of Bushnell et al., Abidi et al. and Ostling disclose all the limitation in claim 1. Further, Ostling disclose the method further comprising: a) establishing a wireline connection via the wireline network (col. 3, line 66 to col. 4, line 49); b) establishing the wireless connection via the wireless network (col. 3, line 66 to col. 4, line 49); and c) transferring the call with the mobile terminal from the wireline connection to the wireless connection (col. 3, line 66 to col. 4, line 49).

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 23, this claim is rejected for the same reason as set forth in claim 9.

Regarding claim 24, the combination of Bushnell et al., Abidi et al. and Ostling disclose all the limitation in claim 16. Further, Abidi et al. disclose the system wherein the mobile terminal registers with the wireless network while being served by the wireline network and the temporary directory number is generated in response to the mobile terminal registering with the wireless network (col. 1, line 62 to col. 2, line 11 and col. 3, line 63 to col. 4, line 39).

Regarding claim 25, this claim is rejected for the same reason as set forth in claim 11.

Regarding claim 26, this claim is rejected for the same reason as set forth in claim 12.

Regarding claim 27, this claim is rejected for the same reason as set forth in claim 13.

Regarding claim 28, this claim is rejected for the same reason as set forth in claim 14.

Regarding claim 29, the combination of Bushnell et al., Abidi et al. and Ostling disclose all the limitation in claim 1. Further, Bushnell et al. disclose the method further comprising the mobile terminal moving out of a wireless communication zone in which communications with the mobile terminal are possible by detecting a bit error rate associated with communications

with the mobile terminal via a local wireless interface surpassing a defined threshold (col. 3, line 39 to col. 7, line 20).

Regarding claim 30, the combination of Bushnell et al., Abidi et al. and Ostling disclose all the limitation in claim 1. Further, Bushnell et al. disclose the method further comprising the mobile terminal moving out of a wireless communication zone in which communications with the mobile terminal are possible by detecting a degradation in quality associated with communications with the mobile terminal via a local wireless interface surpassing a defined threshold (col. 3, line 39 to col. 7, line 20).

Regarding claim 31, the combination of Bushnell et al., Abidi et al. and Ostling disclose all the limitation in claim 1. Further, Bushnell et al. disclose the method further comprising the mobile terminal moving out of a wireless communication zone in which communications with the mobile terminal are possible by detecting an inability to communicate with the mobile terminal via a local wireless interface surpassing a defined threshold (col. 3, line 39 to col. 7, line 20).

#### *Reasons Subject Matter*

4. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 5, the prior art record does not disclose nor fairly suggest the method wherein *the terminal adaptor, is coupled to a wireline switch in the wireline network and the terminal adaptor initiates establishment of the wireless connection by sending a request to the wireline switch to establish a connection to the mobile terminal via the wireless network using*

*the temporary directory number and wherein the transfer of the call from the wireline connection to the wireless connection is effected by the wireline switch.*

### Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong  
AU: 2617  
Date: 02/22/2007

  
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